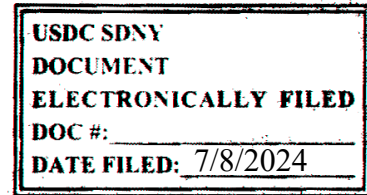


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



GARY KEMP,

Petitioner,

20-CV-09121 (RA)(SN)

-against-

ORDER

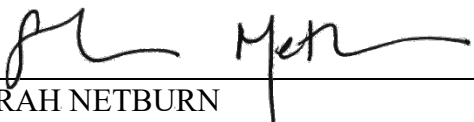
JOSEPH NOETH,

Respondent.

SARAH NETBURN, United States Magistrate Judge:

Petitioner requests that the Court release him on his own recognizance pursuant to N.Y. Crim. Proc. § 530.30. That statute, however, authorizes only superior court judges to set or modify bail. Accordingly, as a U.S. magistrate judge, I lack the authority to act under the statute. Additionally, the statute applies only when “a criminal action is pending in a local criminal court.” Petitioner’s case, now post-conviction, is pending in an appellate court, rather than a criminal court. Accordingly, Petitioner’s request is DENIED.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: July 8, 2024
New York, New York